

**UNITED STATES DISTRICT COURT**  
**FOR THE** WESTERN **DISTRICT OF** PENNSYLVANIA  
CIVIL **DIVISION**

<u>BENNIE E. BARNES</u> Petitioner	:	
	:	DOCKET# <u>C.A. # 03-389-ERIE</u>
VS.	:	
<u>STEPHANIE DOMITROVICH</u>	:	
Respondent	:	

**NOTICE OF APPEAL**

Notice is hereby given that BENNIE E. BARNES, petitioner above-named, hereby appeals to the United States Court of Appeals for the THIRD (3RD) Circuit from the order denying petitioner's application for a CIVIL RIGHTS ACTION entered in this proceeding on JULY 25, 2005.

DATE: AUGUST 16, 2005

Respectfully submitted

SIGN: Bennie E. Barnes  
NAME: BENNIE E. BARNES  
DOC#: EB 8245  
ADDRESS: 10745, RT. 18  
ALBION, PA 16475-0002



**UNITED STATES DISTRICT COURT**  
**FOR THE** WESTERN **DISTRICT OF** PENNSYLVANIA  
CIVIL **DIVISION**

BENNIE E. BARNES

Petitioner

DOCKET# C.A. # 03-389 ERIE

VS.

STEPHANIE DOMITROVICH

Respondent

**APPLICATION FOR CERTIFICATE OF APPEALABILITY**  
**DISTRICT COURT**

The above-entitled court, by its order entered on JULY 25, 2005, denied the application of the above-named petitioner, BENNIE E. BARNES, for a CIVIL RIGHTS ACTION. Petitioner desires to appeal from such order to the United States Court of Appeals for the THIRD (3RD) Circuit, and in order to take such appeal petitioner respectfully requests that this court issue a Certificate of Appealability, pursuant to the provisions of 28 USCA §2253, and 28 USCA §22(b), of the *Federal Rules of Appellate Procedure*.

Petitioner believes that he is entitled to redress on appeal, and petitioner further believes that a certificate of appealability should be issued in this case, on the following grounds:

1. VIOLATION OF DUE PROCESS CLAUSE OF THE U.S CONSTITUTION AND PA CONSTITUTIONS

2. VIOLATION OF A SUBSTANTIVE RIGHT WITHIN THE 3RD ARTICLE OF THE BILL OF RIGHTS, CONGRESS SHALL NOT MAKE ANY LAW WHICH PROHIBITS THE RIGHTS FOR PETITION FOR REDRESS OF GRIEVANCES.

3. VIOLATION OF CIVIL RIGHTS PROCEEDURE RULE 19159 NO DEFAULT JUDGEMENT

4.



DATE: AUGUST 16, 2005

SIGN: Bessie E. Barnes  
NAME: BENNIE E. BARNES  
DOC#: EB 8245  
ADDRESS: 10745, RT.18  
ALBION, PA 16475-0002



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT DISTRICT OF PENNSYLVANIA

: BENNIE E. BARNES  
: Petitioner

.V.

: STEPHANIE DOMITROVICH  
: Respondent

CIVIL ACTION

DOCKET# 03-0389 ERIE

MAGISTRATE JUDGE

SUSAN BAXTER

DISTRICT JUDGE

SEAN MCLAUGHLIN

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UNSWORN DECLARATION

I, BENNIE E. BARNES, hereby verify that the facts set forth in the foregoing NOTICE OF APPEAL, are true and correct to the best of my personal knowledge, information, and belief, and that any false statements herein are made subject to the penalties of 28 U.S.C.A. §1746 (relating to unsworn falsifications to authorities)

DATE: AUGUST 16, 2005

Respectfully submitted

SIGN: Bennie E. Barnes  
NAME: BENNIE E. BARNES  
DOC#: EB 8245  
ADDRESS: 10745, RT 18  
ALBION, PA 16475-0002



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

: BENNIE E. BARNES  
: Petitioner  
: V.  
: STEPHANIE DOMITROVICH  
: Respondent

: CIVIL ACTION  
: DOCKET# 03-0389  
: MAGISTRATE JUDGE  
: SUSAN BAXTER  
: DISTRICT JUDGE  
: SEAN MCLAUGHLIN

**PROOF OF SERVICE**

I, BENNIE E. BARNES, hereby certify that I have served the foregoing NOTICE OF APPEAL, upon the parties listed below, on JULY 25, 2005, this being pursuant to the *Federal Rules of Civil Procedure*, and in the manner listed below, which service satisfies the requirements of the *Pennsylvania Federal Rules of Civil Procedure*.

SERVICE BY FIRST CLASS MAIL, POSTAGE PRE-PAID

CLERK OF COURTS

THREE (3) COPIES

RESPONDENT(S)

ONE (1) COPY (EACH)

DATE: AUGUST 16, 2005

Respectfully submitted

SIGN: Bennie Barnes  
NAME: BENNIE E. BARNES  
DOC#: EB 8245  
ADDRESS: 10745, RT 18  
ALBION, PA 16475